



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/791,056 | 03/02/2004 | Jean-Louis Desjoyaux | 1759.155 | 2862 |
| 23405 | 7590 | 06/09/2005 | EXAMINER | |
| HESLIN ROTHENBERG FARLEY & MESITI PC | | | A, PHI DIEU TRAN | |
| 5 COLUMBIA CIRCLE | | | ART UNIT | PAPER NUMBER |
| ALBANY, NY 12203 | | | 3637 | |

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/791,056 | DESJOYAUX ET AL. |
| | Examiner | Art Unit |
| | Phi D. A | 3637 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/30/05 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Sijpesteijn (5215802).

Desjoyaux shows panels for producing swimming pools, each panel having a prefabricated structure (1) comprising a flat surface of rectangular overall shape and delimited by a peripheral frame comprising planar vertical flanges (1b) and horizontal flanges (1c), each flange extending from a respective edge of the flat surface (figure 1) wherein one of the planar vertical flanges has spaced apart, distributed over its height fixing arrangements (1k) able to collaborate with complementary arrangements on an other vertical flange of an adjacent panel, the fixing arrangement comprise anchoring tabs (1j2) formed in a thickness of the one planar vertical flange and able to be engaged in longitudinal centering and guiding shapes belonging to

the other flange (the opening), a profile shape (the narrower part that protrudes beyond part 1a, 1b) provided along an entire height of the vertical flanges protrudes beyond one of the vertical flanges at a level of said flat surface of the structure to ensure sealing once the tabs are engaged, the profile shape comprising a bead resulting from an additional thickness of material, an internal face of the structure is equipped directly at the time of its manufacture with studs having a head and a centering part able to collaborate with necked apertures exhibited by an independent reinforcing element acting as wall tie and hollow shaft for pouring of concrete, the studs and apertures being distributed over the entire height of the structure.

Desjoyaux does not show the tabs has on its outer face anchoring roughness able to collaborate with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute longitudinally spaced apart wells or sleeves formed as overspill from a bearing face of the one flange and a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness.

Sijpesteijn shows tabs (8) has on its outer face anchoring roughness (13) able to collaborate with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes (6, 4') constitute longitudinally spaced apart wells or sleeves formed as overspill from a bearing face of the one flange and a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring

roughness (the complementary part 13) so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux to show the tabs has on its outer face anchoring roughness able to collaborate with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute longitudinally spaced apart wells or sleeves formed as overspill from a bearing face of the one flange and a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness because it would ensure the secure easy fastening of the adjacent panels together as taught by Sijpesteijn.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Raymond (50072220).

Desjoyaux as modified shows all the claimed limitations except for the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type.

Raymond (figure 8) shows anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type for connecting and fastening panels together

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type as taught by Raymond.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Taylor et al (4514104).

Desjoyaux as modified shows all the claimed limitations except for the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, the cut-outs extending through a full depth of the one flange, a length of the tab being less than a width of the one flange.

Taylor et al (figure 2) shows the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, the cut-outs extending through a full depth of the one flange, a length of the tab being less than a width of the one flange.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, the cut-outs extending through a full depth of the one flange, a length of the tab being less than a width of the

Art Unit: 3637

one flange because it would enable the easy connection and locking of panels together as taught by Taylor et al.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Taylor et al (4514104).

Desjoyaux as modified shows all the claimed limitations except for the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells is rectangular and a free end of the anchoring tabs being chamfered.

Taylor et al (figure 2) shows the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells (formed by the complementary part of part 10) is rectangular and a free end of the anchoring tabs being chamfered to allow for the easy connection and locking of panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells is rectangular and a free end of the anchoring tabs being chamfered because it would enable the easy connection and locking of panels together as taught by Taylor et al.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802).

Desjoyaux as modified shows all the claimed limitations except for a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical

Art Unit: 3637

direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels because it is well known in the art that having only one tab and openings of closed dimension within a multiple of tabs and openings ensure the easy assembly of panel parts together, while reducing cost as the large tolerance between the multiple of mating parts allow for less manufacturing cost and ease of manipulation of the mating parts together, and the one precise coupling parts ensure the proper fastenings of the parts together.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802).

Desjoyaux as modified shows all the claimed limitations except for the structure being obtained directly by injection moulding of a plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the structure being obtained directly by injection moulding of a plastic because injection moulding of plastic is a well known process for forming plastic, and using plastic in a swimming pool environment would enable the wall to avoid the rust factor over the long term which could create leakage.

8. Claims 9, 11-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Sijpesteijn (5215802) and Taylor et al (4514104).

Desjoyaux shows panels to produce a swimming pools, each panel is made up of a prefabricated structure (1) comprising a flat surface of an overall rectangular shape delimited by a peripheral frame comprising vertical flanges (1b) and horizontal flanges (1c), one of the said vertical flanges having distributed over its height, fixing tabs (1j2), the tabs are designed to be engaged in spaced apart longitudinal centering and guiding sleeves (the opening) from a free longitudinal edge of an other vertical flange of an adjacent structure, a bead formed at a juncture of the one and the other vertical flanges with the flat surface of the structure to form a sealing profile after engagement of the tabs in the sleeves, the bead resulting from an additional thickness of material, an internal face of the structure is equipped directly at the time of the manufacture with studs having a head and a centering part able to collaborate with necked apertures exhibited by an independent reinforcing element acting as wall tie and hollow shaft for pouring of concrete, the studs and apertures being distributed over the entire height of the structure.

Desjoyaux does not show the tabs has on its outer face anchoring asperities cooperating after engagement of the tabs in the sleeves with complementary asperities formed directly on part of the outer vertical flange delimited by side edges of individual sleeves, the tabs resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, the sleeves being formed by projecting from a free longitudinal edge of an other vertical flange of an adjacent structure.

Taylor et al (figure 2) shows the tabs resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, the length of the tabs being less than a width of the one flange.

Sijpesteijn shows tabs (8) has on its outer face anchoring asperities (13) cooperating after engagement of the tabs in the sleeve with complementary asperities (13) formed directly on part of the outer vertical flange (6) delimited by side edges of individual sleeves, the sleeves being formed by projecting from a free longitudinal edge of an other vertical flange of an adjacent structure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux to show the tabs has on its outer face anchoring asperities cooperating after engagement of the tabs in the sleeves with complementary asperities formed directly on part of the outer vertical flange delimited by side edges of individual sleeves, the sleeves being formed by projecting from a free longitudinal edge of an other vertical flange of an adjacent structure because it would ensure the secure easy fastening of the adjacent panels together as taught by Sijpesteijn, and it would have been obvious to one having ordinary skill in the art to modify Desjoyaux's structure to show the tabs resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange because it would enable the easy connection and locking of panels together as taught by Taylor et al.

Per claim 11, Desjoyaux as modified by Sijpesteijn and Taylor et al shows the length of the tabs being less than a width of the one flange.

Per claim 12, Desjoyaux as modified shows all the claimed limitations except for the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves being rectangular and a free end of the anchoring tabs being chamfered.

Taylor et al (figure 2) further shows the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells (formed by the complementary part of part 10) is rectangular and a free end of the anchoring tabs being chamfered to allow for the easy connection and locking of panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells is rectangular and a free end of the anchoring tabs being chamfered because it would enable the easy connection and locking of panels together as taught by Taylor et al.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) and Taylor et al as applied to claim 9 above and further in view of Raymond (5007222).

Desjoyaux as modified shows all the claimed limitations except for the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type.

Raymond (figure 8) shows anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type for connecting and fastening panels together

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type as taught by Raymond.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) and Taylor et al.

Desjoyaux as modified shows all the claimed limitations except for a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves except for a sleeve situated at an upper part of the structure, considered in a vertical position of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical position, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels because it is well known in the art that having only one tab and openings of closed dimension within a multiple of tabs and openings ensure the easy assembly of panel parts together, while reducing cost as the large tolerance between the multiple of mating parts allow for less manufacturing cost and ease of manipulation of the mating parts together, and the one precise coupling parts ensure the proper fastenings of the parts together.

Art Unit: 3637

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) and Taylor et al.

Desjoyaux as modified shows all the claimed limitations except for the structure being obtained directly by injection moulding of a plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the structure being obtained directly by injection moulding of a plastic because injection moulding of plastic is a well known process for forming plastic, and using plastic in a swimming pool environment would enable the wall to avoid the rust factor over the long term which could create leakage.

Response to Arguments

12. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

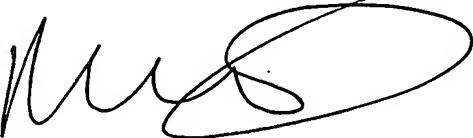
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

6/6/05